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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,078	06/23/2003	Dirk Trossen	042933/262997	1210
826 7590 11/07/2008 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				
EXAMINER				
PATIL, NIRAV B				
ART UNIT		PAPER NUMBER		
2435				
MAIL DATE		DELIVERY MODE		
11/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/602,078

Applicant(s)

TROSSEN, DIRK

Examiner

NIRAV PATEL

Art Unit

2435

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1, 3-10, 12-28 and 30-36.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2431

The final office action, dated on 7/23/08, rejects the claims 1, 5, 10, 14, 19, 22-28 and 32-36 under 35 USC 103 (a) as being unpatentable over Geiger et al (US Patent No. 6,377,810) and in view of Karmouch et al (US Patent No. 7,240,015), and Claims 4, 6, 8, 9, 13, 15, 17, 18, 21 and 31 as being unpatentable over Geiger et al (US Patent No. 6,377,810) in view of Karmouch et al (US Patent No. 7,240,015) and in view of McCann et al (US Pub. No. 2004/0064707).

Continuation of 11 does NOT place the application in condition for allowance because: Applicant's arguments filed 10/16/08 have been fully considered but they are not persuasive.

Regarding to applicant argument to claim 10, that Geiger and Karmouch does not teaches the claim limitation "the second entity being unknown to the first entity prior to the first network entity receiving the request", Examiner disagrees, since Geiger discloses a requesting entity that wishes to know the location of the mobile device establishes communication with the mobile device. The requesting entity sends to the mobile device a location permission request. The requesting entity sends a certificate to the mobile device along with the location permission request. As a result, by providing the certificate (identity), the requesting entity presents its own identity to the mobile device. Further, Karmouch teaches multiple agents and an authorization based mechanism as shown in Fig. 3. The authorization server is responsible for delivering necessary authorizations to agents requesting the execution of an action. Each agent who requests an authorization is first authenticated. Then, the server checks to see if there are authorizations that apply to the request. The step of requesting an authorization, each agent requester sends a request to the authorization server asking for an authorization to execute an action. The request message includes the agent identification, the action and its parameters...etc. By providing the identification information along with the request, the requesting entity presents its own identity to the authentication server and without this knowledge, the authentication server doesn't know the actual requester. Therefore, the agent is not recognized by the authentication server until the identification information is provided and acknowledged. In this case, it meets the claim limitation "the second network entity being unknown to the first network entity prior to the first network entity receiving the request". The claim limitation "...unknown to the first network entity prior to..." must be clearly defined in the claim language, if applicant believes it differs from the cited one. Applicant is reminded that additional modification to clarify the claimed language is necessary for further consideration and distinction from the prior art. For the above reasons, it is believed that the rejections should be sustained.